

Centre for Applied Social Sciences



**YOU'VE GOT TO KNOW WHO
CONTROLS THE LAND & TREES PEOPLE USE:
GENDER, TENURE AND THE ENVIRONMENT**

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INTRODUCTION

One of the many advertisements to raise funds to save the tropical rain forests proclaims in large type, "If you own it, they can't burn it down."¹ It is a classic illustration of the need for the environmental community to develop a better understanding of land and tree tenure. For the likely response of any tenure scholar to this statement is, "Don't be silly! Of course they can still burn it down, even if I do own it."

The tenurial issue in the rain forest advertisement is a basic and simple one--transfer of legal title does not automatically result in control of the land or the trees. This paper takes this rather blunt edged lesson and makes it a bit more complex, exploring the importance of gender aspects of land and tree tenure for our ability to protect and restore our natural resources and environment.²

¹ Ann Hawkins, Department of Forestry and Resource Management, University of California at Berkeley brought this ad to our attention.

² Ignoring the gender aspects of tenure has in practice meant ignoring women. Hence while successful policies and projects must analyze the tenurial status of both women and men, the examples given here focus on the people most frequently forgotten--the women--because that is where the most urgent need for illustration and instruction clearly lies. Obviously, if only women were considered in isolation from men, men would suffer the same adverse consequences women now suffer.

For the purposes of this paper it is helpful to group policies and projects to protect and enhance the environment into two general categories: those intended to stop or reduce the effect of environmentally detrimental actions and those intended to restore or enhance the environment. In the context of rural Africa, Asia and Latin America the first generally involves exclusion of people from specific wildland areas or the prohibition of specific activities such as hunting, tree felling or riverain cultivation. The second tends to involve the encouragement of environmentally beneficial activities in agricultural production areas such as the construction of contours, tree planting or the practice of agroforestry in homesteads, on farm fields and on the commons. The failure to consider tenure generally and the gender dimensions of tenure specifically in the design and implementation of exclusionary and enhancing policies (each discussed separately below) can have three unfortunate consequences in respect to women. First, each may adversely affect women. Second, they may simply fail to benefit women. And third, tenurial considerations may prevent women, who constitute a major proportion of the agricultural work force⁴, from participating and thus reduce the effectiveness of the environmental effort.

GENDER, TENURE AND POLICIES OF EXCLUSIONARY PROTECTION

Of all tenurial rights probably the most vulnerable are

given here focus on the people most frequently forgotten--the women--because that is where the most urgent need for illustration and instruction clearly lies. Obviously, if only women were considered in isolation from men, men would suffer the same adverse consequences women now suffer.

⁴ It should be remembered that this is true even in societies that practice female seclusion. In such societies considerable agriculture is practiced within the confines of the homestead. These are important niches for environmental enhancement. For example, in Bangladesh, women participate in the planting and nurturing of complex homestead gardens which provide over 90 percent of the nation's timber and fuelwood.

usufructuary rights (that is, the right to use but not destroy or sell a resource). Those held by women, particularly their usufructuary rights to resources on the commons, are the most vulnerable of all. Usufructuary rights held by women are vulnerable because they rarely involve a written title deed; because in the case of usufructuary rights to trees, the rights to the land may be held by someone else; and because in many cultures women are not thought of as property holders, hence little consideration may be given to what rights they might have. Consequently, the women and the usufructuary rights they hold may be essentially invisible to project and policy designers. As a result, rights may be eliminated, not out of malice, but out of ignorance. It is therefore important before any exclusionary policies are designed to determine who has what rights to use the area to be protected, for what and when. As a matter of standard practice, care must be taken not to confer just with male village leaders on this question but with women and men from all economic groups. For people may simply be unaware of how those in other economic or gender groups use the area to be protected or may be unwilling to share their knowledge for any number of reasons. (Exclusionary policies should in any event be approached with extreme caution. Not only may they plunge the people who depend on the area deeper into poverty and misery, they may actually result in the destruction of the resource by the angry people who have been excluded.)⁵

Two stories provide examples of how inattention to gender and tenure in environmental initiatives can have adverse effects on women. In both cases the initiatives were well intended and were likely to have beneficial environmental results. And in both

⁵ Susan Miller (forthcoming) reports that peasants in the Dominican Republic who were excluded from using a large area designated as a national park asserted, "The forest is our enemy". For a strategy of protective use as an alternative to exclusion, see Murphree (1990).

cases, local input to the initiative was significant. Thus, both cases indicate the need to have not just local people in general, but both local women and local men involved in the design of environmental policies and programs.

Gender, Tenure and the Restoration Dream

The people of a small African village came to realize in the late 1970s that their once heavily wooded landscape was now nearly denuded of trees. Action was clearly needed if they were not to be living in a desert within a decade. They began by planting woodlots of eucalyptus, but they wanted more than that. They wanted their children to know the woodland they had known. And so under the initiative of a dynamic local leader, the process of regulating tree cutting as well as protecting and fencing in indigenous woodland was begun. The problem with this otherwise admirable effort was that the area where women had usufructuary rights to gather firewood was now to be protected and all tree cutting forbidden. There being no other source of firewood (the eucalyptus woodlots being used primarily for poles and being too costly for many women in any event), women had no options. "We are stealing," they put it bluntly. Thus, in this case, failure to consider gender dimensions of tenure meant that well-intentioned men eliminated women's usufructuary right to fuelwood and turned their own wives into "thieves".

Gender, Tenure and the Game Fence

This case also involves women, fuelwood and a small African village. The people of the village had been plagued for years by wild animals which destroyed their crops and sometimes killed local people. The animals in turn were plagued by the people who (illegally) killed them for food and as a pest reduction measure. A happy solution to this problem came in the form of a policy giving the people a share of the profits from safari hunting, which

as a result gave them an incentive to protect the animals and fight against poaching. The policy was followed by a program which provided the people with an electric game fence to protect them and their crops from the animals. This meant that instead of being subject to steady "warfare" which mostly likely would have meant their eventual extinction, the animals were protected and only occasionally pursued by a safari hunter. Everyone agreed that poaching by village people had been eliminated, the village had received desperately needed funds and the prospects for the animals were greatly improved. But there was a problem with the fence. While the fence and its gates had been sited in painstaking consultation with villagers, only men had been involved in the formal consultations. Unfortunately the six foot high electrified fence lay across the path some village women used when they collected firewood. Those women, who feared the electrified fence, now had to walk farther to collect firewood. Without anyone intending to do so, their usufructuary rights to use their traditional source of firewood had been limited. In this case the process of consulting with the women about the siting of the fence and its gates may still have resulted in inconvenience to some. But there is a considerable difference in the attitude to informed and willing sacrifice in return for an overall good (in this case protection for crops grown by women as well as the monetary return) and the obliteration of rights with the familiar colonial admonition--it's for your own benefit.

In both of these cases women lost usufructuary rights to woodlands without any mitigation of their responsibility to supply firewood. This is the major danger in exclusionary policies, they remove access to a necessity of life without providing a substitute. In many cases it is the women who are responsible for obtaining such goods (firewood, food, medicinal substances). When their usufructuary rights are extinguished by exclusion, their work day may be considerably lengthened as they go farther to obtain a resource or compensate for its loss.

Simple attention to obvious products such as firewood is not sufficient to solve this problem since men could suffer similarly through the loss of usufructuary rights to collect poles or wood for making mortars or axe handles. Thus, a detailed understanding of the distribution of usufructuary rights by class and gender is necessary.

To end this section on a more cheerful note, sometimes feisty women can force their inclusion into benefits. As described by Child and Peterson (1991), upon having the issue raised by a divorced mother, the men and women of Chikwarakwara VIDCO in Zimbabwe decided that divorced women with children would indeed be considered a household for the purposes of distribution of financial benefits from wildlife utilization. In this case, women were full voting members of the formal decision making process. Their inclusion in the decision making and the benefits increased the likelihood that they would be active participants in protecting the wildlife in the future.

GENDER AND POLICIES OF ENVIRONMENTAL ENHANCEMENT AND RESTORATION

Environmental enhancement and restoration may be undertaken in both public and private spaces. In both, gender and tenure considerations are important.

Gender and Environmental Enhancement/Restoration of Public Spaces

Tree planting, a classic form of environmental enhancement/restoration may have unintended adverse consequences because they fail to take into account the often distinct gender differences in tree use. Thus many afforestation/reforestation projects plant species that do not meet women's needs. Foresters tend to choose fast-growing species, long familiar to them, which are efficient producers of timber or pulp but which do not necessarily supply the fuelwood, fodder, food, medicines or wildlife habitat needed by

local people. This takes on a tenurial dimension when project trees are planted in place of the trees women have been using. Project planners may think they have addressed the gender and tenurial issue by giving women access to the new trees, but this is an empty right if the new trees don't produce the needed products. Generally such trees are managed for timber rather than for interim products (twigs, leaves, needles) and systems for the distribution of such "minor" products are unlikely to be established.

Just as with exclusionary policies, tree planting and other enhancement policies may destroy usufructuary rights to particular spaces and again it is women's rights that are the most vulnerable. One site frequently favored for community tree planting is the commons. While it is a common property resource, the commons tends to be used disproportionately by women and the poor, especially poor women, as a source of household fuelwood, fodder, and food (Jodha, 1986; Rocheleau and Fortmann, 1988). Even if the trees are planted as a "community project", evidence strongly indicates that such projects frequently and disproportionately benefit the wealthier and more powerful segments of the community. Hence, planting on the commons has sometimes been found to result in a massive shift of benefits away from the poor towards the better off (Cernea, 1981). As a result, the poor, poor women in particular, may lose their usufructuary rights to trees despite an increase in the tree stock.

Gender and Environmental Enhancement/Restoration of Private Spaces⁶

Failure to address gender in regards to household tree planting on private holdings can also result in losses for women. For example, the places where the tree components of an agroforestry system are planted are sometimes the very places where women have usufructuary

⁶ This section has been adapted with minor editing from Bruce and Fortmann (1989).

rights, that is where they have cultivated or gathered food and fuelwood—that is, croplands and fallows as well as the spaces-in-between the rows of men's crops and the spaces along hedgerows, roads and so on (Rocheleau and Fortmann, 1988). In such a case men's commercial species displace women's subsistence species and may well affect intra-household income distribution.

A more basic tenurial question arises in context of security of tenure and the implementation of environmental measures--just whose security exactly? Many policy makers and planners argue that unless peasants have secure tenure over their fields, pastures, woodlands and homesteads, they will not invest time, labor or capital in such activities. Those who use the security of tenure model tend to assume the household's holding is under a single management, and that the security of tenure of the household head is the only relevant security of tenure for the household. While this is sometimes true, it can not be assumed to be the case. In many places even if a household's landholding is "owned" by a male head, it may consist of several plots, each held and managed fairly independently by a wife. Insofar as the wife makes the management decision, whose security of tenure matters, hers or her husband's? If she is the one who must make the decisions concerning conservation measures including tree planting and bear their costs, her own security of tenure is critical. This is cause for concern because in many societies, whether inheritance is patrilineal or matrilineal, most women do not inherit land. If they do inherit it, they tend to inherit it in lesser amounts. Except for a very few transactions, they have access to it by virtue of their rights to use a part of their husband's land (Fortmann 1986; Cloud and Knowles 1988; Davison 1988; UBINIG 1991). A wife's security of tenure may depend in part upon her husband's security of tenure, but be subject to additional limitations; a husband may be entitled to shift his plots among wives as he chooses. Thus, it often makes more sense to address the security of the field manager rather than the field "owner". In Senegal, within a single compound with land

owned by the head of compound perceived security of tenure varied dramatically among field managers such as wives, brothers and sons of the owner, with wives feeling the least secure (Hardy 1989:64-72). Recent research on losses to wildlife in a wildlife protection area notes that springhares caused heavy losses to groundnut production (Hawkes, 1991:5). Because it neither looks at field managers nor disaggregates by gender, it fails to note that groundnut fields are managed by women and hence it is women who suffer the most from this kind of depredation and who should therefore be the beneficiaries of ameliorative efforts.

A series of questions may help to clarify the likely effect of gender on tree planting, conservation of trees and other conservation measures in particular situations:

What are women's use rights?

Can women use the full range of tree species that grow locally or are they prohibited from using certain kinds of trees that might be useful in fulfilling their responsibilities?

Do women have access to all trees on the holding or are they restricted to certain niches, such as the garden-plot near the house?

Women may want to increase the security or convenience of access by planting their own trees. This raises additional practical questions. Will they be allowed to plant trees at all? Chavangi et al. (n.d. reprinted in 1988) describe cultural restrictions on women's tree planting in Kenya and means for circumventing them. They demonstrate the need for understanding trees as social as well as biological constructs. (That is, species which a botanical taxonomist would call a tree, were in this case socially defined as "not trees" because of they were crooked, spiny and otherwise unpleasant.) McLain (1990) reports that women in Mali can not plant trees on family fields. This leads to more questions:

Will women be allowed to plant the species they want?
 Will they control the trees they plant?
 Does this depend on where they plant them?

Rocheleau (1987) points out that farms and other land used by women encompass several socio-ecological niches, is some of which (such as the garden plot near the homestead) women are better positioned tenurially than in others. Not only the tenure niche (a category of land to be used by certain groups in society and for particular purposes) but also species considerations affect women's rights to plant trees. The full array of rights by women in trees and land rights relevant to tree planting can be elaborate, as among the Ibo in Nigeria (Obi 1963:89). Land tenure and tree tenure jointly determine women's security of access and rights in trees.

Insecurity of access for women also results from life cycle changes (marriage, childbirth, divorce, widowhood) and from changes in national policies such as land registration (Rocheleau 1987a), in technology and in the value of tree products. Widowhood is probably the most significant life cycle event in terms of security of property rights. A widow may retain certain of her husband's land and trees (Chubb 1961; Hoben 1973: 146-148; Obi 1963: 89-94) or she may lose them altogether as in the case of a Peruvian cooperative (Skar et al. 1982) or as is increasingly being reported in parts of Africa. In many places divorce poses an equal threat to women's security. Divorced women in Cameroon lost all rights to personal possessions, food supplies, and unharvested crops, hardly a property system conducive to tree planting by women (Bryson: 1979). UBINIG (1991) reports that women in Bangladesh are hesitant to plant trees until they are sure that they have a stable marriage and they have effectively become the manager of the household. Similarly McLain (1990) notes that a woman in Mali must receive permission from the owner of the field she uses to plant trees and even then is discouraged from tree planting since divorce would end

her rights to the tree.

Even during her husband's lifetime, a woman can not necessarily depend on him to protect her property rights. Women in the Dominican Republic who used trees which were controlled and used by men for hog food lost their supply of palm fibers for handicrafts when, after a swine fever epidemic, the men cut down the trees (Fortmann and Rocheleau 1985). And in Mali even if a woman has planted a tree in the field she uses, all members of her "husband's immediate household have the right to collect fruits both on the trees and on the ground" (McLain 1990:32).

Women in some places (Bangladesh is an example) have circumvented these insecurities by forming groups, renting or buying land and growing their trees there. Giving women such access to land in their own right may be a useful strategy in encouraging the implementation of environmental enhancement.

CONCLUSIONS

In considering environmental action it is worth remembering Walter Firey's (1978) admonition that the condition of natural resources and the condition of the human communities that depend on those resources are interdependent. As the well-being of one deteriorates, so does the other. Environmental action which harms local people, including women, is therefore self-defeating. Indeed women, who as the hewers of wood, drawers of water and tillers of the earth suffer the most when soil erodes, water sources go dry, or trees disappear, are the natural constituency for environmental endeavors. Those who would protect, enhance and restore the environment must first learn who uses and controls what spaces and resources and ensure that they are not harmed. This will require asking both women and men the questions outlined above and seeking their expertise and energy in designing policies and programs that both heal the earth and help local people. To fail to do so is to

imperial both.

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